

Application No. 10/650,584
Amendment dated June 30, 2006
Reply to Office Action of March 30, 2006

REMARKS/ARGUMENTS

Responsive to the Official Action mailed March 30, 2006, applicant has amended the claims of her application in an earnest effort to place this case in condition for allowance. Specifically, claims 1, 3, 6, and 7 have been amended. Reconsideration is respectfully requested.

In the Action, the Examiner has maintained her rejection of the pending claims under 35 U.S.C. §103, with reliance upon U.S. Patent No. 5,459,912, to Oathout, in view of U.S. Patent No. 4,328,278, to Meitner et al., and U.S. Patent No. 6,645,930, to Wallis et al. However, it is respectfully maintained that the present invention is neither taught nor suggested by these references, even when combined, and accordingly, the Examiner's rejection is respectfully traversed.

The primary Oathout patent may be considered to disclose a patterned, spunlace fabric, containing a polymeric staple fiber layer and a natural fiber layer that are hydroentangled, but as acknowledged by the Examiner, this reference fails to disclose any sodium ion content thereof, nor any acetic acid/de-ionized water washing step used to reduce to sodium ion content thereof.

In this context, it is respectfully submitted that the secondary Meitner et al. reference proposes to solve the sodium ion content problem using *entirely different methodology* than presently claimed. In particular, Meitner et al. contemplates controlling the sodium ion content by controlling add-on amounts of a sodium-containing surfactant, introduced in combination with a nonionic, non-sodium source surfactant.

As stated at column 2, lines 44-53 of Meitner et al.:

In accordance with the present invention, it has been found that treatment of such nonwoven materials with a specific mixture of surfactant including sodium dioctyl sulfosuccinate and a nonionic surfactant such as Triton X-100 (alkyl phenoxy ethanol) reduces the metallic ion content of the wiper to within acceptable limits and yet maintains or even improves the highly effecting wiping characteristics obtained through the use of a sodium dioctyl sulfosuccinate surfactant, alone.

At column 4, lines 42-55, Meitner et al. goes on to state:

Turning to FIGS. 1 through 4, it can be seen that the use of 25% Aerosol OT-75 in the mixture requires percent add-on of nearly one percent to achieve a sink time of 3 seconds. In contrast, a 50/50 ratio requires less than ½ percent add-on as does a ratio of 25% Triton X-100 and 75% Aerosol OT-75. However, at the 75% Aerosol OT-75 level, the sodium ion addition would be in excess of the preferred level. Accordingly, the amount of Aerosol OT-75 in the mixture in accordance with the present invention is within the range of 25 to 75% and preferably, within the range of 40 to 60%; ideally, the components are included in about equal proportions.

In significant distinction, the present method claims 1 and 7 recite applying an acid wash to the recited hydroentangled polymeric fiber layer/natural fiber layer nonwoven fabric, rinsing the nonwoven fabric, and drying the nonwoven fabric in order to reduce the sodium ion content below 45 ppm in the finished wipe (less than 25 ppm in claim 7).

It is respectfully noted that the Examiner references the *cold water* results in Table II of Meitner et al. for teaching a sodium level of 40 ppm for a meltblown nonwoven wiper; however, the Wiper B in Table II which contains a natural fiber as required by the claims of the current invention, has a sodium content *much higher* than 45 ppm (i.e., 133.7)/

Thus, it is respectfully maintained that Meitner et al. specifically *teaches away* from the current invention in teaching a natural fiber-containing nonwoven fabric having a sodium content of *well above 45 ppm*.

Moreover, the natural fiber Wiper B of Meitner et al., and the dry creped tissue paper of Wiper C, appear to have the *worst linting results* reported in Table II for the "<0.5 Microns" linting test, as compared to either conventional treated Wiper A, or the wiper of the current invention.

As such, one of ordinary skill in the art would consider these cold water sodium level and linting experimental results of Meitner et al. to *teach away* from, and discourage the possible thought of using Meitner et al.'s. methodology for controlling sodium ion levels in fabrics other than the "nonwoven wipers made from hydrophobic thermoplastic synthetic fibers" according to Meitner's invention (see column 2, lines 27-31). As a consequence, one skilled in the art would certainly not consider the teachings of Meitner et al. as being applicable to the natural fiber-containing composite fabrics such as taught by the primary Oathout reference.

In connection with the Wallis et al. reference, the acetic solution-impregnated wipes are described therein as being specifically made *without allowing them to dry before use*, with instead the moist wipe stored in a pouch until used (see Examples 1 and 3; Abstract; and column 8, lines 55-57). As specifically set forth in claims 1 and 7, the present invention requires *drying of the nonwoven fabric*.

In further distinction from the presently pending claims, Wallis et al. fails to disclose "rinsing said nonwoven fabric", nor a subsequent step of "drying said nonwoven fabric". Therefore, there is no reasonable expectation of success that Wallis et al.'s. wipe-making procedure would provide any reduction of sodium content in the wipe, much less a reduction in the levels prescribed in the presently pending claims.

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Applicant respectfully refers to M.P.E.P. Section 2143.01, which specifically requires that "the prior art must suggest the desirability of the claimed invention", and that "the proposed modification cannot change the principle of operation of a reference". Clearly, the references relied upon by the Examiner, for the reasons noted above, *do not* suggest that the references should be combined, and moreover, with the combined teachings of the references effectively acting to "change the principle of operation" of the teachings disclosed therein.

In view of the foregoing, formal allowance of claims 1-11 is believed to be in order and is respectfully solicited. Should the Examiner wish to speak with applicant's attorney, they may be reached at the number indicated below.

The Commissioner is hereby authorized to charge any additional fees which may be required in connection with this submission to Deposit Account No. 23-0785.

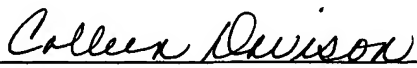
Respectfully submitted,

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I hereby certify that this Amendment is being deposited with the United States Postal Service "Express Mail Post Office To Addressee" service under 37 CFR 1.10 addressed to Mail Stop RCE, Commissioner of Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, Express Mail Label No. EV 576550939 US on **June 30, 2006**.


Colleen Davison